

FAMILIES, AGENCIES, COMMUNITIES**TOGETHER PROGRAM REPEAL**

2002 FIFTH SPECIAL SESSION

STATE OF UTAH

Sponsor: Jack A. Seitz

This act repeals the Families, Agencies, Communities Together for Children and Youth At Risk Act, makes certain technical changes, and provides an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

35A-3-207, as last amended by Chapter 13, Laws of Utah 1998

62A-5a-104, as last amended by Chapter 179, Laws of Utah 1996

63-38-2, as last amended by Chapter 376, Laws of Utah 2001

63-55-263, as last amended by Chapter 49, Laws of Utah 2002

REPEALS:

53A-17a-131.9, as last amended by Chapters 258 and 279, Laws of Utah 2002

63-75-1, as last amended by Chapter 136, Laws of Utah 1996

63-75-2, as last amended by Chapter 104, Laws of Utah 1999

63-75-3, as last amended by Chapter 104, Laws of Utah 1999

63-75-4, as last amended by Chapter 104, Laws of Utah 1999

63-75-5, as last amended by Chapters 27 and 276, Laws of Utah 1997

63-75-5.5, as enacted by Chapter 12, Laws of Utah 1993

63-75-5.7, as last amended by Chapter 136, Laws of Utah 1996

63-75-6, as last amended by Chapter 240, Laws of Utah 1996

63-75-6.5, as enacted by Chapter 136, Laws of Utah 1996

63-75-7, as last amended by Chapter 210, Laws of Utah 2002

63-75-8, as enacted by Chapter 136, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **35A-3-207** is amended to read:

35A-3-207. Community based prevention programs.

(1) As used in this section:

(a) "political subdivision" means a town, city, county, or school district;

(b) "qualified sponsor" means a:

(i) political subdivision;

(ii) community nonprofit, religious, or charitable organization;

(iii) regional or statewide nonprofit organization; or

(iv) private for profit or nonprofit child care organization with experience and expertise in operating community-based prevention programs described in Subsection (2) and that ~~[are]~~ is licensed under Title 62A, Chapter 2.

(2) Within appropriations from the Legislature, the department may provide grants to qualified sponsors for community-based prevention programs that:

(a) support parents in their primary care giving role to children;

(b) provide positive alternatives to idleness for school-aged children when school is not in session; and

(c) support other community-based prevention programs.

(3) In awarding grants under this section, the department shall:

(a) request proposals for funding from potential qualified sponsors; and

(b) comply with the requirements of Subsection (4).

(4) (a) In awarding these grants, the department shall ensure that each dollar of funds from political subdivisions or private funds is matched for each dollar received from the department.

(b) The value of in-kind contributions such as materials, supplies, paid labor, volunteer labor, and the incremental increase in building maintenance and operation expenses incurred attributable to the prevention program may be considered in meeting this match requirement.

(5) In awarding a grant under this section, the department shall consider:

(a) the cash portion of the proposed match in relation to the financial resources of the qualified sponsor; and

(b) the extent to which the qualified sponsor has:

(i) consulted and collaborated with parents of children who are likely to participate, local parent-teacher organizations, and other parent organizations~~[-, and the appropriate local interagency~~

council established under Section 63-75-5.7];

(ii) identified at risk factors that will be ameliorated through the proposed prevention program;

(iii) identified protective factors and developmental assets that will be supported and strengthened through the proposed prevention program; and

(iv) the financial support of parents and the organizations specified in Subsection (5)(b)(i).

(6) At least 50 percent of the grants awarded under this section shall be awarded to organizations described in Subsection (1)(b)(iv).

(7) No federal funds shall be used as matching funds under this ~~[act]~~ section.

Section 2. Section **62A-5a-104** is amended to read:

62A-5a-104. Powers of council.

(1) The council has authority, after local or individual efforts have failed, ~~[including, with regard to persons under 22 years of age, actions by local interagency councils established under Section 63-75-5.7,]~~ to:

(a) coordinate the appropriate transition of persons with disabilities who receive services and support from one state agency to receive services and support from another state agency;

(b) coordinate policies governing the provision of services and support for persons with disabilities by state agencies; and

(c) consider issues regarding eligibility for services and support and, where possible, develop uniform eligibility standards for state agencies.

(2) The council may receive appropriations from the Legislature to purchase services and supports for persons with disabilities as the council ~~[deems]~~ considers appropriate.

Section 3. Section **63-38-2** is amended to read:

63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.

(1) (a) The governor shall, within three days after the convening of the Legislature in the annual general session, submit a budget for the ensuing fiscal year by delivering it to the presiding officer of each house of the Legislature together with a schedule for all of the proposed appropriations of the budget, clearly itemized and classified.

(b) The budget message shall include a projection of estimated revenues and expenditures for the next fiscal year.

(2) At least 34 days before the submission of any budget, the governor shall deliver a confidential draft copy of his proposed budget recommendations to the Office of the Legislative Fiscal Analyst.

(3) (a) The budget shall contain a complete plan of proposed expenditures and estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

(b) The budget may be accompanied by a separate document showing proposed expenditures and estimated revenues based on changes in state tax laws or rates.

(4) The budget shall be accompanied by a statement showing:

(a) the revenues and expenditures for the last fiscal year;

(b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds of the state;

(c) an estimate of the state's financial condition as of the beginning and the end of the period covered by the budget;

(d) a complete analysis of lease with an option to purchase arrangements entered into by state agencies;

(e) the recommendations for each state agency for new full-time employees for the next fiscal year; which recommendation should be provided also to the State Building Board under Subsection 63A-5-103(2);

(f) any explanation the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and

(g) the information detailing certain regulatory fee increases required by Section 63-38-3.2.

(5) The budget shall include an itemized estimate of the appropriations for:

(a) the Legislative Department as certified to the governor by the president of the Senate and the speaker of the House;

(b) the Executive Department;

(c) the Judicial Department as certified to the governor by the state court administrator;

(d) payment and discharge of the principal and interest of the indebtedness of the state [of Utah];

(e) the salaries payable by the state under the Utah Constitution or under law for the lease agreements planned for the next fiscal year;

(f) other purposes that are set forth in the Utah Constitution or under law; and

(g) all other appropriations.

(6) Deficits or anticipated deficits shall be included in the budget.

(7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require from the proper state officials, including public and higher education officials, all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditure of the state moneys, and all institutions applying for state moneys and appropriations, itemized estimates of revenues and expenditures. The entities required by this Subsection (7)(a)(i) to submit itemized estimates of revenues and expenditures to the governor, shall also report to the Utah Information Technology Commission created in Title 63D, Chapter 1, before October 30 of each year. The report to the Information Technology Commission shall include the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures and an analysis of:

(A) the entity's need for appropriations for information technology;

(B) how the entity's development of information technology coordinates with other state or local government entities;

(C) any performance measures used by the entity for implementing information technology goals; and

(D) any efforts to develop public/private partnerships to accomplish information technology goals.

(ii) (A) The governor may also require other information under these guidelines and at times as the governor may direct.

(B) These guidelines may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.

(b) The estimate for the Legislative Department as certified by the presiding officers of both houses shall be included in the budget without revision by the governor. Before preparing the estimates for the Legislative Department, the Legislature shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

152 (i) the Legislature's implementation of information technology goals;
153 (ii) any coordination of information technology with other departments of state and local
154 government;
155 (iii) any efforts to develop public/private partnerships to accomplish information
156 technology goals; and
157 (iv) any performance measures used by the entity for implementing information technology
158 goals.

159 (c) The estimate for the Judicial Department, as certified by the state court administrator,
160 shall also be included in the budget without revision, but the governor may make separate
161 recommendations on it. Before preparing the estimates for the Judicial Department, the state court
162 administrator shall report to the Information Technology Commission the proposed information
163 technology expenditures and objectives, the proposed appropriation requests and other sources of
164 revenue necessary to fund the proposed expenditures, including an analysis of:

165 (i) the Judicial Department's information technology goals;
166 (ii) coordination of information technology statewide between all courts;
167 (iii) any efforts to develop public/private partnerships to accomplish information
168 technology goals; and
169 (iv) any performance measures used by the entity for implementing information technology
170 goals.

171 (d) Before preparing the estimates for the State Office of Education, the state
172 superintendent shall report to the Information Technology Commission the proposed information
173 technology expenditures and objectives, the proposed appropriation requests and other sources of
174 revenue necessary to fund the proposed expenditures, including an analysis of:

175 (i) the Office of Education's information technology goals;
176 (ii) coordination of information technology statewide between all public schools;
177 (iii) any efforts to develop public/private partnerships to accomplish information
178 technology goals; and
179 (iv) any performance measures used by the Office of Education for implementing
180 information technology goals.

181 (e) Before preparing the estimates for the state system of Higher Education, the
182 commissioner shall report to the Information Technology Commission the proposed information

technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) Higher Education's information technology goals;
- (ii) coordination of information technology statewide within the state system of higher education;
- (iii) any efforts to develop public/private partnerships to accomplish information technology goals; and
- (iv) any performance measures used by the state system of higher education for implementing information technology goals.
- (f) The governor may require the attendance at budget meetings of representatives of public and higher education, state departments and institutions, and other institutions or individuals applying for state appropriations.
- (g) The governor may revise all estimates, except those relating to the Legislative Department, the Judicial Department, and those providing for the payment of principal and interest to the state debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of the state.
- (8) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.
- (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.
- (10) (a) In submitting the budgets for the Departments of Health and Human Services and the Office of the Attorney General, the governor shall consider a separate recommendation in his budget for funds to be contracted to:
 - (i) local mental health authorities under Section 17A-3-606;
 - (ii) local substance abuse authorities under Section 62A-8-110.5;
 - (iii) area agencies under Section 62A-3-104.2;
 - (iv) programs administered directly by and for operation of the Divisions of Mental Health, Substance Abuse, and Aging and Adult Services;
 - (v) local health departments under Title 26A, Chapter 1, Local Health Departments; and
 - (vi) counties for the operation of Children's Justice Centers under Section 67-5b-102.

(b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor shall consider an amount sufficient to grant local health departments, local mental health authorities, local substance abuse authorities, and area agencies the same percentage increase for wages and benefits that he includes in his budget for persons employed by the state.

(c) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason for not including that amount.

(11) (a) In submitting the budget for the Division of Services for People with Disabilities, the Division of Child and Family Services, and the Division of Youth Corrections within the Department of Human Services, the governor shall consider an amount sufficient to grant employees of corporations that provide direct services under contract with those divisions, the same percentage increase for cost-of-living that he includes in his budget for persons employed by the state.

(b) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (11)(a), he shall include a message to the Legislature regarding his reason for not including that amount.

~~[(12) (a) The Families, Agencies, and Communities Together Council may propose to the governor under Subsection 63-75-4(4)(c) a budget recommendation for collaborative service delivery systems operated under Section 63-75-6.5.]~~

~~[(b) The Legislature may, through a specific program schedule, designate funds appropriated for collaborative service delivery systems operated under Section 63-75-6.5.]~~

~~[(13)]~~ (12) The governor shall include in his budget the state's portion of the budget for the Utah Communications Agency Network established in Title 63C, Chapter 7, Utah Communications Agency Network Act.

Section 4. Section **63-55-263** is amended to read:

63-55-263. Repeal dates, Titles 63 and 63A.

(1) (a) Title 63, Chapter 25a, Part 1, Commission on Criminal and Juvenile Justice, is repealed July 1, 2012.

(b) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

(2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed July 1, 2007.

(3) The Resource Development Coordinating Committee, created in Section 63-28a-2, is repealed July 1, 2004.

(4) Title 63, Chapter 38c, State Appropriations and Tax Limitation Act, is repealed July 1, 2005.

~~[(5) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and Youth At Risk Act, is repealed July 1, 2006.]~~

~~[(6)]~~ (5) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2005.

~~[(7)]~~ (6) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund to provide coverage to nonstate entities, are repealed July 1, 2006.

~~[(8)]~~ (7) Title 63A, Chapter 7, Utah Sports Authority Act, is repealed July 1, 2003.

~~[(9)]~~ (8) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2003.

Section 5. Repealer.

This act repeals:

Section 53A-17a-131.9, Agencies coming together for children and youth at risk.

Section 63-75-1, Title.

Section 63-75-2, Purpose of chapter.

Section 63-75-3, Definitions.

Section 63-75-4, Families, Agencies, and Communities Together State Council -- Composition -- Duties -- Interagency case management team.

Section 63-75-5, Steering committee -- Membership -- Duties.

Section 63-75-5.5, Staffing.

Section 63-75-5.7, Local interagency council -- Composition -- Duties.

Section 63-75-6, Prevention and early intervention programs -- Applicants -- Selection process.

Section 63-75-6.5, Plans for collaborative service delivery systems.

Section 63-75-7, Evaluation of programs -- Report to legislative interim committee.

Section 63-75-8, Relationship to political subdivisions.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the

276 date of veto override.

Legislative Review Note
as of 7-9-02 11:36 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel